

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

UNITED STATES OF AMERICA

v.

ERIC ZACHARY MALY

1:21CR107-1



The Grand Jury charges:

COUNT ONE

From on or about November 16, 2019, continuing up to and including on or about May 12, 2020, the exact dates to the Grand Jurors unknown, in the County of Alamance, in the Middle District of North Carolina, ERIC ZACHARY MALY did knowingly receive and attempt to receive any child pornography, as defined in Title 18, United States Code, Section 2256(8), that had been shipped and transported using any means and facility of interstate and foreign commerce, and in and affecting interstate and foreign commerce by any means, including by computer; in violation of Title 18, United States Code, Section 2252A(a)(2)(A) and (b)(1).

COUNT TWO

On or about May 12, 2020, in the County of Alamance, in the Middle District of North Carolina, ERIC ZACHARY MALY did knowingly possess any material which contained an image of child pornography, that involved a

prepubescent minor and a minor who had not attained 12 years of age, as defined in Title 18, United States Code, Section 2256(8)(A), which had been shipped and transported using any means and facility of interstate and foreign commerce, and in and affecting interstate and foreign commerce by any means, including by computer; in violation of Title 18, United States Code, Section 2252A(a)(5)(B) and (b)(2).

FORFEITURE ALLEGATION

1. The factual allegations contained in this Indictment are realleged and by this reference fully incorporated herein for the purpose of alleging forfeiture pursuant to Title 18, United States Code, Section 2253.

2. Upon conviction of one or more of the offenses alleged in this Indictment, the defendant, ERIC ZACHARY MALY, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 2253(a)(1) and (a)(3), all visual depictions described in Title 18, United States Code, Sections 2252A or 2252, and any book, magazine, periodical, film, videotape, or other matter which contains any such visual depiction, which was produced, transported, mailed, shipped, or received in violation of Chapter 110 of the United States Code; any property, real or personal, constituting or traceable to gross profits or other proceeds obtained from such offense; and any property, real or

personal, used or intended to be used to commit or promote the commission of the offense or any property traceable to such property.

3. The property subject to forfeiture pursuant to paragraph 2 above may include, but shall not be limited to, the following property of the defendant seized on or about May 12, 2020:

a. Samsung SM-G930A Galaxy S7.

All in accordance with Title 18, United States Code, Section 2253, Rule 32.2, Federal Rules of Criminal Procedure, and Title 28, United States Code, Section 2461(c).

DATED: March 29, 2021

SANDRA J. HAIRSTON
Acting United States Attorney


BY: K. P. KENNEDY GATES
Assistant United States Attorney

A TRUE BILL: 


FOREPERSON